

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF :

RENNA THOMAS

V

PEOPLES GAS LIGHT AND COKE  
COMPANY

Complaint as to billing and/or charges.

Chicago, Illinois

February 2, 2009

Met pursuant to notice at 10:00 a.m.

BEFORE :

MS. KATINA HALOULOS, Administrative Law Judge.

APPEARANCES :

MS. RENNA THOMAS  
5456 West Ferdinand Street  
Chicago, Illinois 60644  
appeared pro se;

MR. MARK L. GOLDSTEIN  
3019 Province Circle  
Mundelein, Illinois 60060  
appeared for Peoples Gas.

SULLIVAN REPORTING COMPANY, by  
Teresann B. Giorgi, CSR

1		<u>I</u>	<u>N</u>	<u>D</u>	<u>E</u>	<u>X</u>	
2							By
3	<u>Witnesses:</u>	<u>Nar.</u>	<u>Dir.</u>	<u>Crx.</u>			<u>Examiner</u>
4	Renna Thomas	43		55			
5	Juan Alicea		59	66			
6	Soledad Barragan		77	91			
7							
8							
9		<u>E</u>	<u>X</u>	<u>H</u>	<u>I</u>	<u>B</u>	<u>I</u>
10	<u>COMPLAINANT'S</u>	<u>FOR IDENTIFICATION</u>					<u>IN EVIDENCE</u>
11	1		55				55
12	<u>RESPONDENT'S</u>						
13	1		42				90
14	2		42				90
15	3A, B		42				90
16	4		42				90
17	5		42				90
18	6		42				90
19	7A, B		42				90
20	8A, B		42				65
21	9		42				65
22	10		42				90
	11		42				90
	12		42				90
	13A, B		42				90
	14A, B		42				90
	<u>CROSS-EXHIBIT</u>						
	1		42				58

1 (Whereupon, Respondent's  
2 Exhibits 1 through 14 and  
3 Cross-Exhibit 1 were marked  
4 for identification.)

5 JUDGE HALOULOS: Pursuant to the authority of  
6 the Illinois Commerce Commission, I now call  
7 Docket 08-0597. Renna Thomas versus Peoples Gas  
8 Light and Coke Company. It's a complaint as to  
9 billing and/or charges.

10 Could the parties please state their  
11 name for the record, beginning with Counsel.

12 MR. GOLDSTEIN: On behalf of The Peoples Gas  
13 Light and Coke Company, Mark L. Goldstein, 3019  
14 Province Circle, Mundelein, Illinois 60060. My  
15 telephone number is (847)949-1340.

16 MS. THOMAS: Renna Thomas, 5456 West Ferdinand,  
17 Chicago, Illinois 60644, phone is (773)653-8628.

18 JUDGE HALOULOS: Okay. And it's my  
19 understanding at this time that the parties have  
20 been unable to reach any sort of agreement as to  
21 this matter and that we are ready to proceed to  
22 trial.

1 MR. GOLDSTEIN: That is correct, Judge.

2 MS. THOMAS: Correct.

3 JUDGE HALOULOS: Okay. Ms. Thomas?

4 MS. THOMAS: Okay. The last time --

5 JUDGE HALOULOS: Can you raise your right hand.

6 (Witness sworn.)

7 RENNE THOMAS,

8 called as a witness herein, and after having been

9 first duly sworn, testified in the narrative as

10 follows:

11 MS. THOMAS: The last time we had this

12 conversation up on my complaint to the Gas Company

13 for disconnection of service on April the 7th, 2008,

14 you said that the gas lines were feeding both floors

15 by the laundry valves in the basement. So I called

16 somebody who specializes in the valves and I had

17 them come out and trace the lines. And I do have a

18 receipt for that. And the valves do not feed two

19 floors, they're totally on separate lines.

20 The furnace has a 1-inch pipe. The

21 laundry valve has a half-inch pipe on it. And they

22 are two separate lines which states 1st and 2nd

1 floors. So there is no way that those valves could  
2 have been connected.

3                   Secondly: I want to know, were those  
4 technicians licensed who came in there and checked  
5 the valves and how did they determine -- because the  
6 first thing you said you didn't know what the  
7 problem was. The second complaint was you said that  
8 there were leaks, had the leaks fixed. The third  
9 thing, and then you came back and then you said  
10 there was a leakage and the gas was feeding two  
11 floors. That's impossible. I took pictures of it,  
12 but unfortunately I was unable to get them  
13 developed.

14                   And I went through my files yesterday  
15 and looked at everything. And you said you  
16 disconnect my service because you don't know, but  
17 this is last reading that was on that meter, which  
18 you have in your exhibits, which I had somebody  
19 print. Per your paperwork, the last therms used was  
20 1,000- -- for the gas bill, your last therms, was  
21 1,653.02 therms, that was the last usage that you  
22 have on your site for the gas bill.

1                   Next, I also noticed that in your  
2 Terms and Conditions that I pulled off of your site,  
3 for Reconnection, there should be a reconnection  
4 charge which has not been the case. Every time  
5 there's been a so-called termination of service, you  
6 have started the service up again with new account  
7 numbers, with new deposits. I want to know what  
8 percentage of this amount is related to deposits.

9                   Then you said you don't keep the  
10 disconnection notices. So I went back, all the way  
11 back to 2005, and I put everything together. And  
12 every month that I got a bill, I got a disconnection  
13 notice right behind it.

14                  Now, I notice on your bills for the  
15 months you say total charges 148.22, but then amount  
16 due is \$1,263.19. There's no past due balances.  
17 You just have current. Where are these costs coming  
18 from?

19                  I have paid Peoples Gas for the year  
20 2006, \$2,330; for 2007, \$2,470. And none of these  
21 bills have ever come past 2,000. So in payments  
22 every month -- and some months there was twice paid

1 (sic). The bills never seem to decrease. They  
2 always seem to go higher and higher and higher and I  
3 want to know why.

4 I'm finished.

5 JUDGE HALOULOS: Did you have evidence to  
6 present?

7 MS. THOMAS: I didn't make copies of these  
8 (indicating).

9 JUDGE HALOULOS: That's okay.

10 MS. THOMAS: This is the receipt that I made a  
11 copy of and he said that you can call the 800 number  
12 or call his cell phone and he'll explain it  
13 (indicating).

14 JUDGE HALOULOS: Okay. When we were here last  
15 time it was understood that you were turned off  
16 in --

17 MS. THOMAS: May of 2007.

18 JUDGE HALOULOS: -- May of 2007.

19 MS. THOMAS: That's what they said.

20 JUDGE HALOULOS: 2007. And came back out there  
21 in 2008 to disconnect another unit because -- so  
22 we've got this clear, it's a multiunit building,

1 that's what you said.

2 MS. THOMAS: Yes, ma'am.

3 JUDGE HALOULOS: And there are --

4 MS. THOMAS: Two separate units.

5 JUDGE HALOULOS: -- two separate --

6 MS. THOMAS: Yes, ma'am.

7 JUDGE HALOULOS: That's all, so it's a two-flat.

8 MS. THOMAS: Yes, ma'am.

9 JUDGE HALOULOS: So the technician comes out in  
10 2008 and discovers that Unit 2, that was cut off in  
11 May of 2007, was still receiving gas. Okay.

12 Your contention is that you were never  
13 disconnected.

14 MS. THOMAS: Correct.

15 JUDGE HALOULOS: And I know we've got it on the  
16 record from the last date that we were here  
17 together, if you weren't disconnected then you were  
18 still receiving bills. And I had asked you to show  
19 me one bill between April 2007 -- excuse me, May  
20 2007 and April 2008. A bill that would be for that  
21 time period, not -- a bill for that time period.

22 MS. THOMAS: They don't give you one bill,



1 they're month to month.

2 JUDGE HALOULOS: I understand that. But on each  
3 bill it's got your usage for that month.

4 MS. THOMAS: Right. I have the bill.

5 JUDGE HALOULOS: So I need to see something that  
6 shows your usage for that month.

7 MS. THOMAS: I have a 4-17 to 5-9 and a 5-11 to  
8 6-4-2007 (indicating). Those are two bills.

9 JUDGE HALOULOS: What dates?

10 MS. THOMAS: At the top.

11 JUDGE HALOULOS: Okay.

12 MS. THOMAS: The back one is 4 and then the  
13 second one is 5 to June, May to June.

14 JUDGE HALOULOS: Now, what I'm going to do, I'm  
15 going to ask you -- so she's got a bill here from  
16 May 11th, 2007, to 6-4-2007.

17 MS. BARRAGAN: That's the due date, the 6-4 is  
18 the due date. If you look at the right-hand side it  
19 says, Current usage, billing period from, it will  
20 show April 16th of '07 --

21 JUDGE HALOULOS: Where am I looking?

22 MS. BARRAGAN: On your right-hand top.

1 JUDGE HALOULOS: Oh, okay.

2 So then this one is for 4- -- okay.

3 So I need a bill after -- you showed me these two.

4 I need something after the 6-4 bill.

5 MS. THOMAS: (Indicating.)

6 JUDGE HALOULOS: Okay. Well, we can clearly see

7 how these bills are different, right (indicating)?

8 MS. THOMAS: Right. Which is amazing to me.

9 JUDGE HALOULOS: Really?

10 MS. THOMAS: Yeah.

11 JUDGE HALOULOS: There's no gas usage. This is

12 for a balance. This is showing you what you're

13 using.

14 MS. THOMAS: That don't say "for a balance."

15 JUDGE HALOULOS: Sure, it does.

16 MS. THOMAS: Everything it has --

17 JUDGE HALOULOS: Sure, it does. Wait. Let's

18 just go over the bill.

19 Bill date --

20 MS. THOMAS: I can't see that far.

21 JUDGE HALOULOS: Well, I'm going to read it to

22 you.

1 Bill date, 6-18-2008, payment due  
2 immediately, amount due, this. Okay. Activity  
3 since last bill, it's the same balance.

4 MS. THOMAS: That's the last bill --

5 JUDGE HALOULOS: So at this time on your  
6 statement your account is past due.

7 Now here we've got when you were  
8 receiving gas. Billing date, 5-11-2000- -- payment  
9 due date, amount due, and then we have all this nice  
10 billing period from 4-16-07 to 5-11-07, 25 days, and  
11 then a complete summary of your usage.

12 MS. THOMAS: Okay. If you say billing usage  
13 from 4-16 to 5-11, so that still nulls and void that  
14 they disconnect me in May.

15 JUDGE HALOULOS: Okay. So you're clear, billing  
16 period from 4-16 to 5-11.

17 MS. THOMAS: Uh-huh.

18 JUDGE HALOULOS: So you're billed the following  
19 month for last month's usage.

20 MS. THOMAS: Uh-huh.

21 JUDGE HALOULOS: So as you'll see -- this is  
22 your May bill, right?

1 MS. THOMAS: Uh-huh.

2 JUDGE HALOULOS: And you're billed for April and  
3 May, okay?

4 MS. THOMAS: Uh-huh.

5 JUDGE HALOULOS: And then come May, you no  
6 longer have that. So these aren't bills. These are  
7 past due amounts. I need to see a bill.

8 You're contending that you were never  
9 shut off. It's so easy to clear up because if you  
10 weren't shut off, you'd be receiving activity  
11 statements just like this (indicating), not past due  
12 amounts, but statements that include your current  
13 activity.

14 MS. THOMAS: Uh-huh.

15 JUDGE HALOULOS: After May --

16 MS. THOMAS: If that's the case, why, you know,  
17 you keep sending stuff?

18 I'm still saying that -- like I said,  
19 and I'll stick to it, you say you terminated my  
20 service. I'm telling you I still had gas. The guy  
21 came out and said there's no way that laundry valve  
22 could feed two floors. And I still say, again, that

1 every month inbetween payments from the year 2005,  
2 2000- -- I got a termination service. So they  
3 collected my money faithfully every month and there  
4 has never been a day in this account for deductions  
5 of amount received and it's steady going up and  
6 nobody still has answered that question.

7 Now, I have some papers here from your  
8 Web site, where some months you got double payments  
9 and I printed this off your site.

10 But neither here nor there, you never  
11 deduct what I owe for my gas bill and these are not  
12 no cheap payments, 225, 150, 140, that's 300, plus  
13 200-some dollars -- 290, for one month. It's just  
14 one of me. There's no way in the world I can use  
15 that much gas, I'm sorry. And your bills does not  
16 reflect -- you have current charges and then you  
17 have this lump sum up here. It does not say "past  
18 due amount." It just says "total current charges,  
19 295.74," and then you got this lump sum of amount.  
20 And every month it's one thousand nine hundred  
21 eighteen six fifty-three. I've got three account  
22 numbers with \$331 for each account number that has a

1 deposit. That's almost a thousand dollars by itself  
2 in deposit alone.

3 Now, what is my actual bill? What is  
4 my actual usage and not estimate?

5 JUDGE HALOULOS: How this process works,  
6 Ms. Thomas, is you have a chance to put on your  
7 case, they'll put on their case and then if you have  
8 questions for Ms. Soledad Barragan or Mr. --

9 MR. GOLDSTEIN: Alicea.

10 JUDGE HALOULOS: -- Alicea, then at that time  
11 you'll have an opportunity to ask them questions.

12 MS. THOMAS: Okay.

13 JUDGE HALOULOS: Do you have anything further to  
14 present today?

15 MS. THOMAS: No, ma'am, that's it.

16 Well, I did go to the bank and print  
17 up these copies of payments. And then as I was  
18 checking -- some of my payments came from my charge  
19 card. So all of them did not come from my bank  
20 statement. So I made one payment off of my checking  
21 account and then I made another payment off of Visa  
22 account, which I closed out since then -- I mean,

1 before time. So. . .

2 JUDGE HALOULOS: Okay.

3 MR. GOLDSTEIN: Judge, may I ask if the service

4 order that Ms. Thomas presented is going to be

5 marked as an exhibit?

6 JUDGE HALOULOS: Are you seeking to enter this

7 into the record?

8 MS. THOMAS: Yes, ma'am.

9 JUDGE HALOULOS: Do you have an objection?

10 MR. GOLDSTEIN: I have no objection.

11 Could it be marked and we can go from

12 there?

13 JUDGE HALOULOS: Let the record reflect that

14 Complainant's -- I can't read -- it's cut off.

15 What's the name of this --

16 MS. THOMAS: This is Appliance Tech.

17 JUDGE HALOULOS: Okay. A receipt from Appliance

18 Tech is going to be entered into the record and

19 marked Complainant's Exhibit No. 1.

20

21

22

1 (Whereupon, Complainant's  
2 Exhibit No. 1 was marked for  
3 identification and admitted  
4 into evidence.)

5 JUDGE HALOULOS: Anything further, Ms. Thomas?

6 MS. THOMAS: No, ma'am, that's it.

7 JUDGE HALOULOS: Counsel?

8 MR. GOLDSTEIN: I just have a couple of  
9 questions, Judge.

10 CROSS-EXAMINATION

11 BY

12 MR. GOLDSTEIN:

13 Q First of all, Ms. Thomas, for the period of  
14 June 4th, 2007, to April of 2008, you said that you  
15 were receiving regular bills from Peoples Gas, is  
16 that right?

17 A Yeah.

18 Q And have you provided any of those bills  
19 today for us to review?

20 A I provided you with documentation that I  
21 received from Peoples Gas.

22 Q All right. Then whatever that



1 documentation is, you've already provided that to  
2 the Judge this morning?

3 A Yes, I did.

4 Q Okay. Now, as part of your complaint, and  
5 I've marked this as Respondent's Cross-Exhibit 1,  
6 these are -- this is a reading that you took, is it  
7 not, of your gas meter?

8 A I didn't take it. The guy who did the gas  
9 leakage took it, who fixed the gas leak that you all  
10 said that I had a gas leak.

11 Q All right. So somebody took this on your  
12 behalf?

13 A Right.

14 Q And this is part of your complaint?

15 A Correct.

16 Q And it shows that for your particular  
17 meter, which ends in the number 690, the usage shown  
18 on there is 1014, is that right?

19 A That's correct.

20 Q And do you recall whether that was the  
21 reading that you saw when he was putting in the  
22 clock readings from the meter?

1       A       Who is "he"?

2       Q       The person who checked your leakage.

3       A       No, I didn't see him.

4       Q       Oh. Okay. Do you believe that this was an  
5 accurate view of your meter at the time he checked  
6 this off?

7       A       Yes, I do.

8       Q       Thank you.

9               I guess, just for the record, do you  
10 know when the person who checked the leakage, when  
11 he recorded this meter reading?

12      A       You turned off the gas April the 7th, 2008,  
13 correct?

14      Q       Was it April 7th of --

15      A       Yes, it was. That was the day I came back  
16 from a business trip.

17      Q       Okay. So that was April of 2008 that --

18      A       Yes, it was.

19      Q       -- you believe that this was done?

20               All right. I have nothing else.

21               I would move into evidence

22 Respondent's Cross-Exhibit 1, Judge.

1 JUDGE HALOULOS: Any objection? It's something  
2 you provided, so let the record reflect that  
3 Respondent's Cross-Exhibit 1 is entered into the  
4 record.

5 (Whereupon, Respondent's  
6 Cross-Exhibit 1 was admitted  
7 into evidence.)

8 MR. GOLDSTEIN: I have nothing else, Judge, of  
9 the witness.

10 JUDGE HALOULOS: Any further questions based on  
11 this?

12 MS. THOMAS: They never answered me about the  
13 last therm usage from their site about the one  
14 thousand six three two eighty.

15 JUDGE HALOULOS: How the process works, they're  
16 going to present their case and then after they  
17 present their case, you get an opportunity, just how  
18 he had an opportunity to ask you questions --

19 MS. THOMAS: Uh-huh.

20 JUDGE HALOULOS: -- then that's when you get an  
21 opportunity to ask them questions.

22 MS. THOMAS: Okay.

1 JUDGE HALOULOS: Counsel?

2 MR. GOLDSTEIN: Yes. For the record, Judge, I'd

3 like to call Juan Alicea.

4 JUDGE HALOULOS: Can you raise your right hand.

5 (Witness sworn.)

6 JUDGE HALOULOS: Let the record reflect that the

7 respondent was sworn in.

8 JUAN ALICEA,

9 called as a witness herein, and after having been

10 first duly sworn, was examined and testified as

11 follows:

12 DIRECT EXAMINATION

13 BY

14 MR. GOLDSTEIN:

15 Q Mr. Alicea, would you state your name for

16 the record and spell your last name.

17 A My name is Juan Alicea, and it's spelled

18 A-l-i-c-e-a.

19 Q And by whom are you employed?

20 A I'm employed by Peoples Gas.

21 Q And how long have you been employed by

22 Peoples Gas?

1       A       25 years.

2       Q       And what is your current position with

3 Peoples Gas?

4       A       I'm a Senior Service Specialist, No. 1.

5       Q       And how long have you been a Service

6 Specialist with Peoples Gas?

7       A       A Service Specialist about 20 years and in

8 this current position about 13.

9       Q       And could you, generally, describe what

10 your duties are as a Service Specialist?

11       A       I handle customer complaints, emergencies,

12 mostly indoors. And outdoor, I do gas leak

13 investigations.

14       Q       And did you do a gas leak investigation at

15 5456 West Ferdinand?

16       A       Yes, I did.

17       Q       And do you recall when you did that

18 investigation?

19       A       It would be April the 10th.

20       Q       Of what year?

21       A       Of 2008.

22       Q       And you went out to the property at

1 5456 West Ferdinand on that day?

2 A Yes, I did.

3 Q And let me show you what's been marked as

4 Respondent's Exhibit 8, which is entitled,

5 Completion Report for 4-10-2008.

6 JUDGE HALOULOS: Is that Exhibit 8?

7 MR. GOLDSTEIN: Yes. That's two pages,

8 Exhibit 8A and 8B.

9 Q You went out there on that date and what

10 did you discover when you went out there,

11 Mr. Alicea?

12 A I found that the laundry valves for 1st

13 floor and 2nd floor were connected, so that means

14 the gas was being diverted from one floor to the

15 other.

16 Q And so the gas from the 1st floor was being

17 diverted to the 2nd floor --

18 A The 2nd floor.

19 Q -- is that right?

20 And where is that shown on Exhibit 8?

21 A It's --

22 Q The second page?

1       A       -- on the second page under Completion  
2   Remarks.

3       Q       Now, let me show you what's been marked as  
4   Respondent's Exhibit 9, this is a service order.  Is  
5   this the kind of service order that you fill out  
6   after you've completed your investigation?

7       A       Yes.  This is something I would fill out in  
8   the truck on a computer.

9       Q       And both Exhibits 8 and 9 are business  
10   records of Peoples Gas, are they not?

11      A       Correct.

12      Q       And they're kept by Peoples Gas ordinarily  
13   in its business, correct?

14      A       Yes.

15      Q       Could you explain what is shown on the  
16   comments with respect to Respondent's Exhibit 9?

17      A       It says what kind of equipment, since it's  
18   not a heating appliance, it just says "other."  And  
19   then on manufacturer, it's the house piping, so that  
20   would be her piping.  And then there was a leak in  
21   the piping.  And it says to locate and repair leaks  
22   and air test the complete line and separate the

1 laundry valves.

2 Q And what does all that tell you about what  
3 was going on with respect to the laundry valves at  
4 5456 West Ferdinand when you inspected the property?

5 A It says that the 2nd floor was getting gas  
6 from the 1st floor and the piping was leaking.

7 Q And what did you do with respect to the  
8 leaking of the laundry valves?

9 A We don't disconnect it, we lock off the  
10 meter and we leave them this form, tell them to -- a  
11 ticket that says that they have to hire a qualified  
12 individual.

13 JUDGE HALOULOS: What do you mean you locked the  
14 meter?

15 THE WITNESS: We locked off the meter. We shut  
16 the gas off and we put a lock on the meter.

17 JUDGE HALOULOS: Okay.

18 THE WITNESS: So that would have been on the  
19 1st floor because that's the one that's supplying --

20 JUDGE HALOULOS: Right.

21 MR. GOLDSTEIN: Q Now, Complainant had marked  
22 as an exhibit Complainant's Exhibit 1, a service



1 ticket for someone going out to the property to  
2 inspect the gas line. Do you see that on this  
3 service ticket?

4 A This says here that the dryer is connected  
5 to her hot water heater.

6 Q What does that mean with respect to -- does  
7 it have anything to do with the capping or the  
8 laundry valves or anything of that nature?

9 A This ticket doesn't say nothing about  
10 inspecting it. It just says that he followed the  
11 connection for the dryer and it's connected to the  
12 hot water heater gas line.

13 Q So it has no real relevance with respect to  
14 what you saw when you went out to the property in  
15 April of 2008.

16 A That's correct.

17 MR. GOLDSTEIN: I have nothing else.

18 We move into evidence Respondent's  
19 Exhibits 8 and 9.

20 JUDGE HALOULOS: Any objection, Ms. Thomas?

21 MS. THOMAS: Yes, I do.

22 JUDGE HALOULOS: Why?

1 MS. THOMAS: Because he said that he came out  
2 and locked off the meter April the 10th for the  
3 1st floor, correct?

4 JUDGE HALOULOS: Well, this is -- I'm asking you  
5 if you have objections to 8 and 9, what you have in  
6 front of you, being entered into the record.

7 MS. THOMAS: Those two sheets?

8 JUDGE HALOULOS: Yes.

9 MS. THOMAS: Yes, I do.

10 JUDGE HALOULOS: Okay. Now I'm asking you,  
11 what's your objection?

12 MS. THOMAS: Because that's not accurate and I  
13 don't believe it to be accurate. After the fact.  
14 No, I don't.

15 JUDGE HALOULOS: Well, your objection is noted.

16 Let the record reflect that  
17 Respondent's Exhibits 8 and 9 are entered into the  
18 record.

19 (Whereupon, Respondent's  
20 Exhibits 8 and 9 were  
21 admitted into evidence.)

22 JUDGE HALOULOS: Okay. I have a question.

1                   With respect to Ms. Thomas' -- it says  
2 that it just goes to the hot water heater, why is  
3 that irrelevant?

4           THE WITNESS: Why is it ir- --

5           JUDGE HALOULOS: Yes.

6           THE WITNESS: Because it only shows that the hot  
7 water heater and the dryer are connected. It  
8 doesn't say nothing about 1st and 2nd floor or  
9 tracing the piping at all. It just says that the  
10 piping is connected together from the dryer to the  
11 water heater. It has no relevance to being  
12 connected -- you know, the two pipings being  
13 connected or not being connected.

14          JUDGE HALOULOS: Okay.

15                   Any questions you have for this  
16 witness?

17          MS. THOMAS: Yes.

18                   CROSS-EXAMINATION

19                   BY

20                   MS. THOMAS:

21          Q        You said "it has no relevance," there are  
22 two hot water tanks in that house and two furnace.

1 That pipe is connected to my hot water tank, which  
2 is my gas line for the 2nd floor.

3                   Then you also said that whatever is on  
4 the inside of my house is my responsi- -- did you  
5 trace the lines or did you just look at the laundry  
6 valves? You didn't trace the pipes and see where  
7 they actually end up at, you just looked at the  
8 pipes from the outside.

9       A       Okay. Laundry valves are old pipings that  
10 were used to heat the hot water for laundry years  
11 ago. And if you use the gas, you turn on your  
12 valve, if you were on the 1st floor or the 2nd  
13 floor, well, they're supposed to be disconnected.  
14 And they wouldn't have nothing to do with the water  
15 heater or the dryer. That is a whole separate  
16 piping, it wouldn't be connected to --

17       Q       Is this modern housing or older -- because  
18 this is an old house.

19       A       This is older piping.

20       Q       This is an older house --

21       A       Yes.

22       Q       -- and the piping has not been replaced.

1 So it's an older house. But still, everything in  
2 that facility is disconnected. It's on its own  
3 separate pipes. And each of those lines have an  
4 "on" and "off" switch for the 1st floor and the  
5 2nd floor, totally.

6                   Now, you said you turned this off  
7 April the 10th, but mines (sic) was shut off  
8 April the 7th and my tenant's was turned off  
9 April the 6th. So something don't add up with me at  
10 all.

11       A       Leak investigations are not cutoffs, so it  
12 wouldn't show in the computer as -- if I shut off  
13 the gas because there was a gas leak there, we don't  
14 complete as a cutoff to the customer, the customer  
15 is still current. So that's probably why it doesn't  
16 show up as being cut off that date.

17       JUDGE HALOULOS: So -- I really want to  
18 understand.

19                   You go out to the property to shut off  
20 the 1st floor.

21       THE WITNESS: For a leak.

22       JUDGE HALOULOS: So you get out there and you're

1 looking at the meter and what exactly do you see?

2 THE WITNESS: Okay. Well, usually when it's a  
3 building of that --

4 JUDGE HALOULOS: I'm just asking what you saw in  
5 her building.

6 THE WITNESS: Okay. In her building I knew that  
7 her meter was off.

8 JUDGE HALOULOS: You knew that already when you  
9 went out there.

10 THE WITNESS: Yes. And she was still getting  
11 gas.

12 JUDGE HALOULOS: How did you know that?

13 THE WITNESS: Because I went physically to the  
14 meter and I saw that the lock was on there.

15 So then I went to --

16 JUDGE HALOULOS: How were you able to determine  
17 that she was still receiving gas?

18 THE WITNESS: Because the meter on the 1st floor  
19 was on and the gas meter was still moving and her --  
20 with the piping, the gas being used.

21 JUDGE HALOULOS: No, you have to do better than  
22 that, and with the piping her gas being used.

1                               When you got out there --

2           THE WITNESS:   Yeah.

3           JUDGE HALOULOS:   -- and you see -- how you knew

4   that Ms. Thomas' --

5           THE WITNESS:   The laundry valves?

6           JUDGE HALOULOS:   No, no.

7                               How you knew that she was shut off was

8   you saw the lock on her meter.

9           THE WITNESS:   Yeah.

10          JUDGE HALOULOS:   Oh, okay, 2nd floor is shut

11   off.

12          THE WITNESS:   Shut off.

13          JUDGE HALOULOS:   And I'm here to investigate a

14   leak on the 1st floor.

15          THE WITNESS:   Is she still getting gas upstairs?

16          JUDGE HALOULOS:   How were you able to determine

17   that, is what I'm asking?

18          THE WITNESS:   I went in her apartment and I

19   checked the appliances and she had gas.   Then I went

20   in the basement and I physically saw the laundry

21   valves on and diverting the gas from one to the

22   other.

1 JUDGE HALOULOS: And what did you see? Like,  
2 how do you see these laundry valves?

3 THE WITNESS: On the laundry valves you'll see  
4 two lines coming down and there's two shutoffs where  
5 they used to shut it off and there's a little hole  
6 to put a lock in there (indicating).

7 JUDGE HALOULOS: Okay.

8 THE WITNESS: So in the olden days if you use  
9 your gas, you put your lock -- each is going to have  
10 their own lock and key. Both of them were open and  
11 the gas was diverting from one to the other.

12 JUDGE HALOULOS: Okay.

13 THE WITNESS: That's how she was getting gas.

14

15 JUDGE HALOULOS: Okay. Do you have any further  
16 questions?

17 MS. THOMAS: Yes.

18 Q You said you got in my apartment? You  
19 didn't get in my apartment because I was out of town  
20 for work. I was not there. So how did you get --  
21 secondly, there's a --

22 JUDGE HALOULOS: Well, let him answer. You've



1 asked a question, now you let him answer.

2 THE WITNESS: Someone let me in there. I really  
3 can't remember -- recall who it was, but I was in  
4 her apartment.

5 MS. THOMAS: Q I'm a single individual. I  
6 don't have husband and I don't have children. My  
7 tenants does not have keys to my house.

8 A I was let in there.

9 Q And what date were you let in there?

10 A The day of the gas leakage, April the 10th.

11 Q No, you were not in my house April the  
12 10th.

13 JUDGE HALOULOS: You could go on with any other  
14 questions.

15 MS. THOMAS: Q You said that there's two pipes,  
16 and I wish I would have got this film developed, but  
17 knobs that turn. There are no knobs. There are two  
18 pipes. On the side there are two metal things that  
19 you let up and you let down, but no knobs. So are  
20 you talking about my property or somebody else's  
21 property?

22 A I'm talking about her -- I didn't say

1 nothing about no knobs. I said there's two shutoffs  
2 that you turn and you put a lock in there if you're  
3 not going to use the gas. So that's what it is,  
4 it's two shutoff valves that are lockable.

5 Q Okay. You terminated my tenant's gas  
6 first. Nobody never said anything about a gas leak.  
7 It was only after I called -- and do you have  
8 documentation of the phone call that I made to  
9 Peoples Energy. Because I did place a call to your  
10 customer service department.

11 JUDGE HALOULOS: Wait. I thought your -- well,  
12 this is the contention, but your gas was shut off  
13 first in May of '07, even though you were still  
14 receiving -- what do you mean your tenant's was cut  
15 off first?

16 MS. THOMAS: He said when he came out April  
17 the 10th, that he came back and cut my tenant's gas  
18 off, April the 10th, that's what he stated.

19 JUDGE HALOULOS: Okay.

20 MS. THOMAS: Her gas was terminated April the  
21 6th, not the 10th. And she told me that you guys  
22 had came out and turned off her gas. Because she

1 said that her bill, which you have in your exhibit  
2 for Joyce Logan, was 1,000 and some dollars, because  
3 I even put a complaint in for her, as well, so  
4 that's what she said.

5                   Then she dropped a deposit, she made a  
6 payment and the next day, April the 7th, my gas was  
7 then turned off, after the fact. I made three phone  
8 calls to Peoples Energy. On the third phone call  
9 there was mention of the gas leak. It was three  
10 guys who came in my property and you were supposed  
11 to check and see if -- after the gas leak was fixed,  
12 and relight the furnace, the stove and everything  
13 else, that didn't happen.

14           JUDGE HALOULOS: When did these men come to your  
15 property?

16           MS. THOMAS: They came to -- the three guys for  
17 my tenant, they came, like, the end week of April  
18 because it was a Thursday or a Friday when they  
19 came.

20           JUDGE HALOULOS: So you're saying your tenant's  
21 gas was shut off --

22           MS. THOMAS: And then they came back and turned

1 theirs back on, but they never did turn mys (sic)  
2 back on.

3 JUDGE HALOULOS: But you're saying yours was  
4 shut off on a different date?

5 MS. THOMAS: The 7th, yes, ma'am.

6 JUDGE HALOULOS: Now, you were out of town, so  
7 how do you know that?

8 MS. THOMAS: Because I asked my tenant. When I  
9 called my tenant -- when I got up April the 7th,  
10 that morning, I had been on a business trip, she  
11 told me that yesterday the Gas Company had came out  
12 and turned off her gas. And so she said she had to  
13 drop a payment. She was going to make a payment.

14 And so I came -- I went back upstairs  
15 and I proceeded back into the kitchen to fix me  
16 something to eat. So when I turned the stove on, it  
17 said click, click, click. And I was like, I know  
18 nobody cut my gas off. So I picked up the phone and  
19 I called the Gas Company, I say, I just got back in  
20 from out of town, I had gas last night and I get up  
21 this morning and now I have no gas. And the young  
22 lady on the phone she say, Well, I don't know. She

1 say, Let me check. I said, Please do. And she  
2 still could not answer the question. She said,  
3 Well, Ms. Thomas, I'll check and I'll call you back.

4 I called back a second time and I  
5 still didn't get no results.

6 Then they sent somebody out to see if  
7 there was a gas leak. I said, No, it couldn't be.  
8 So I said, Okay, I'll take your word for it. I'll  
9 get somebody to check. The man said it was my  
10 responsibility. I said, Okay, I'll do that. So I  
11 had somebody come in and check. They busted all my  
12 basement walls up checking the pipes and he found  
13 three. So I was grateful for that.

14 And then they said call back when the  
15 gas leaks are fixed and that's what I did. I called  
16 them back, I said, The gas leaks are fixed. Call me  
17 up and let me know you'll come out. They didn't  
18 call me, they called my tenant and then they  
19 connected her gas back.

20 JUDGE HALOULOS: Okay. Any other questions of  
21 him?

22 MS. THOMAS: No.

1 JUDGE HALOULOS: Any further questions -- the  
2 Complainant has no further questions.

3 Do you want to call your next witness?

4 MR. GOLDSTEIN: I believe so.

5 Were the exhibits admitted, 8 and 9?

6 JUDGE HALOULOS: Yes, I believe they were. Yes.

7 Could you raise your right hand.

8 (Witness sworn.)

9 MR. GOLDSTEIN: I call, obviously, Soledad  
10 Barragan.

11 SOLEDAD BARRAGAN,  
12 called as a witness herein, and after having been  
13 first duly sworn, was examined and testified as  
14 follows:

15 DIRECT EXAMINATION

16 BY

17 MR. GOLDSTEIN:

18 Q Ms. Barragan, spell your last name for the  
19 record, if you would.

20 A B-a-r-r-a-g-a-n.

21 Q And by whom are you employed?

22 A Peoples Gas.

1 Q And what is your position with Peoples Gas?

2 A I'm a Billing Specialist there.

3 Q And how long have you been employed by

4 Peoples Gas?

5 A Eight years.

6 Q And how long have you been a Billing

7 Specialist with Peoples Gas?

8 A Five years.

9 Q And could you describe what your duties are

10 with respect to being a Billing Specialist?

11 A I handle the informal complaints for the

12 Illinois Commerce Commission as well as formal and

13 billing disputes.

14 Q And in your position as a Billing

15 Specialist how did you become familiar with the

16 Complainant's account at 5456 West Ferdinand,

17 2nd floor?

18 A We had a formal complaint come in from

19 Ms. Thomas to the Illinois Commerce Commission and

20 that was sent over to our area.

21 Q All right. And you are going to be

22 sponsoring certain exhibits this morning,

1 Ms. Barragan, and all of these exhibits are taken  
2 from the Company's books and records, are they not?

3 A That's correct.

4 Q And they are all kept in the Company's  
5 ordinary course of business?

6 A That's correct.

7 Q Let's first turn to Respondent's Exhibit 1,  
8 which is a bill, dated May 11th, 2007. Could you  
9 explain what is shown on this bill?

10 A Sure. The bill was issued May 11th, 2007,  
11 due on June 4th, 2007. At the right-hand side it  
12 will state the current usage. That billing period  
13 was from April 16th, 2007, through May 11th, 2007.

14 If you look further down towards the  
15 bottom, it will say "messages," on there it says,  
16 This is your final bill. So this is the final bill  
17 we sent out to Ms. Thomas.

18 Q And that was back in 2007, correct?

19 A Correct.

20 Q May 11th, 2007.

21 Let's now turn to Respondent's  
22 Exhibit 2. That shows another Peoples Gas bill to



1 Ms. Thomas with a bill date of April 16th, 2008, is  
2 that correct?

3 A Yes.

4 Q Could you explain what is shown on this  
5 bill?

6 A Okay. For this bill, if you look at the  
7 usage it will show it's from April 2007 through  
8 April 2008. She was billed for services that -- she  
9 was not billed for that time period, we had not sent  
10 her any bills from that point until 2008. So this  
11 is a makeup bill that we're sending her.

12 Q And it reflects usage shown on her meter,  
13 does it not?

14 A For her case, since she was getting service  
15 from the 1st floor meter, it's not usage from the  
16 2nd floor meter, but we did bill her estimated  
17 usage.

18 Q Now, let's turn to Respondent's Exhibit 3,  
19 it's a two-page exhibit, 3A and 3B. How would you  
20 characterize what this exhibit shows?

21 A This is a transaction history panel, so it  
22 will show anything that happened in the billing

1 part, when the bills went out, when we received  
2 payments, if there was any adjustment made to the  
3 account.

4 Q And with respect to -- this is for  
5 Ms. Thomas on the 2nd floor, is it not?

6 A That's correct.

7 Q And what would you like to point out with  
8 respect to what is shown on Exhibit 3A?

9 A If you look at the dates on the left-hand  
10 side and you go down to May 11, 2007, there's a line  
11 there that says "order final bill." That was when  
12 the service was shut off and that May 11 bill would  
13 be her final bill. We would still show payments  
14 coming in after that. And there were bills being  
15 issued after that, but only for late payment  
16 charges.

17 Q And that related to billing for service up  
18 until May 11th of 2007, is that correct?

19 A That's correct.

20 Q Is there anything else you would like to  
21 point out with respect to anything on Respondent's  
22 Exhibit 3, the first page 3A?

1       A       No, that's it.

2       Q       Could you now turn to 3B. Is there

3 anything that you would like to point out with

4 respect to Respondent's Exhibit 3B?

5       A       No.

6       JUDGE HALOULOS: I think that one is pretty

7 self-explanatory.

8       MR. GOLDSTEIN: Yes.

9       Q       Now, let's turn to Respondent's Exhibit 4,

10 if you would. What is shown on Respondent's

11 Exhibit 4, Ms. Barragan?

12       A       This was a final notice prior to

13 disconnection sent out to Ms. Renna Thomas on

14 April 18th, 2007.

15       JUDGE HALOULOS: I'm showing a date of -- wait,

16 which exhibit are we on?

17       MR. GOLDSTEIN: 4.

18       JUDGE HALOULOS: Sorry. Go ahead.

19       MR. GOLDSTEIN: Q Now, let's now turn to

20 Respondent's Exhibit 5, which is a letter to

21 Ms. Thomas, dated June 5th, 2007, is it not?

22       A       Yes.

1           Q       And what is the purpose of this particular  
2 letter?

3           A       This letter is sent out to accounts that  
4 are final that are not paid in full. So it's  
5 letting her know at this time, Our records show you  
6 have a final gas bill. The amount of the gas bill  
7 at that time was \$934.71. It just lets her know  
8 that it's past due and remains unpaid.

9           Q       All right. Now, let's turn to Respondent's  
10 Exhibit 6, which is a letter to Ms. Thomas, dated  
11 April 15th, 2008. Could you explain what is shown  
12 on that letter?

13          A       This letter was sent out to Ms. Thomas  
14 after she was sent out a bill for that makeup bill.  
15 This is when we were aware that there were laundry  
16 headers in the building that Ms. Thomas was not  
17 billed for usage. And this is just explaining to  
18 her how on April the 10th, 2008, a Field Specialist  
19 was at her location, found the laundry header valves  
20 open which caused the gas service to be diverted  
21 from the meter. So this is just a letter explaining  
22 to her what was found on that date.

1       Q       Let's now turn to Respondent's Exhibit 7,  
2 if you would. This is a document entitled,  
3 Completion Report for 5-11-2007. Could you explain  
4 what is shown on this particular exhibit, which is  
5 two pages?

6       A       Sure. Okay. On the first page in the  
7 middle it will say "order type," and it says this  
8 was a turnoff DNP, which is disconnect for  
9 nonpayment. It shows that the meter was found on  
10 and the meter was locked off. It also gives you the  
11 meter reading as of May 11, 2007, which was 1014.

12       MS. THOMAS: Excuse me. Where are you at?

13       THE WITNESS: (Indicating.)

14       MS. THOMAS: Okay.

15       MR. GOLDSTEIN: Q And this is for the 2nd floor  
16 at 5456 West Ferdinand?

17       A       Correct.

18       Q       Which is Ms. Thomas' account?

19       A       That's correct.

20       Q       Is there anything you wish to observe on  
21 the second page of Exhibit 7, 7B?

22       A       No, that's it.

1 Q Let's now turn to Respondent's Exhibit 8 --

2 JUDGE HALOULOS: Didn't we already enter that  
3 into the record?

4 MR. GOLDSTEIN: Yes. I'm sorry.

5 JUDGE HALOULOS: And 9.

6 MR. GOLDSTEIN: 8 and 9.

7 Q Let's go down to Exhibit 10 -- thank you,  
8 Judge.

9 Could you explain what is shown on  
10 Respondent's Exhibit 10?

11 A Okay. On this one it will show the meter  
12 number, which is the meter that supplies the 2nd  
13 floor unit for Ms. Thomas. It says "the read code,"  
14 that's how we obtain the readings. Where it says  
15 "van," that's the electronic device that's on the  
16 meter that allows us to get a reading every month.  
17 So even though the gas was shut off at this  
18 location, we'll still get a reading each month.

19 If you look at May 16th, 2007, and  
20 everything after that, it's the same exact meter  
21 reading, because we locked off her meter as of  
22 May 11th, 2007, so no gas was being registered

1 through that meter.

2 Q Let's now turn to Respondent's Exhibit 11.  
3 This is a final notice prior to disconnection. And  
4 who is this for?

5 A This notice is for Joyce Logan, which is  
6 the 1st floor tenant at 5456 West Ferdinand.

7 Q And it shows that she has a balance on her  
8 account at that time.

9 A Yes. She had a balance of \$1,249.15.

10 Q Let's now turn to Respondent's Exhibit 12,  
11 which is a Completion Report for April 7th, 2008.  
12 Would you explain what is shown on this exhibit?

13 A Okay. This is a service order for the  
14 turnoff, disconnection of nonpayment for Ms. Joyce  
15 Logan, which occurred April 7th, 2008. It will show  
16 again that the meter was found on. They left the  
17 meter locked off. And her meter reading as of that  
18 date, which was 0565.

19 Q And then Joyce Logan is the 1st floor  
20 tenant at 5456 West Ferdinand, is that right?

21 A That's correct.

22 Q And Exhibit 12B is just a continuation of

1 the Completion Report, is it not?

2 A Yes.

3 JUDGE HALOULOS: I don't have a 12B.

4 MR. GOLDSTEIN: That's it.

5 JUDGE HALOULOS: Okay.

6 MR. GOLDSTEIN: Q Let's now turn to

7 Respondent's Exhibit 13. This is a Peoples Gas bill

8 to Ms. Logan on the 1st floor with a bill date of

9 April 8th, 2008, is it not?

10 A Yes. This bill was issued on April 8th for

11 Ms. Logan. And, again, if you go down to the

12 message portion it shows this is her final bill.

13 This is the final bill that went out to her after

14 the service was shut off.

15 Q Okay. Let's now turn to Respondent's

16 Exhibit 14, which is two pages. How would you

17 characterize this particular Peoples Gas document?

18 A This is a transaction history for

19 Ms. Logan. The part that I want to look at is the

20 date April 16th, 2008, there was a bill adjustment

21 done. Because the service was being diverted from

22 the 1st floor meter to the 2nd floor meter we sent



1 out a makeup bill to Ms. Thomas. We also then  
2 credit Ms. Logan's account for what was charged to  
3 Ms. Thomas.

4                   So there would be four lines on there  
5 where she received a credit, one for \$383.14, the  
6 next for \$363.09, the next one for \$343.18, and then  
7 the final one for \$524.43.

8                   Ms. Logan then went on to pay whatever  
9 was left owing and that's why her service got turned  
10 back on.

11       Q       Now, let's look back at Respondent's  
12 Exhibit 1 -- Cross-Exhibit 1. This document was  
13 received by Peoples Gas and was part of Ms. Thomas'  
14 complaint in this matter, was it not?

15       A       That's correct.

16       Q       And what does this exhibit show in your  
17 mind?

18       A       This looks like the dials for a meter, what  
19 they would look like. She noted on here her meter  
20 number and what the usage was. So this is  
21 consistent with what we have, as well, showing that  
22 there was no gas being used through her meter. I

1 believe she said this was taken April of 2008.

2 MR. GOLDSTEIN: I have nothing else.

3 I would move into evidence

4 Respondent's Exhibits 1 through 7, 10 through 14.

5 JUDGE HALOULOS: Any objections, Ms. Thomas?

6 MS. THOMAS: For the paperwork that they're

7 entering into --

8 JUDGE HALOULOS: Yes. What you have in front of

9 you.

10 MS. THOMAS: Yeah, I do.

11 JUDGE HALOULOS: And what's your objection based

12 on?

13 MS. THOMAS: You said Ms. Logan's meter reading

14 was 0565, correct?

15 THE WITNESS: Correct.

16 MS. THOMAS: And you say that meter reading was

17 after the fact, after you shut it off, correct?

18 THE WITNESS: At the time it was shut off,

19 correct.

20 MS. THOMAS: I disagree. And some of these

21 documents that you sent me, that's the first time

22 I've seen this paperwork, so I don't know where this

1 come from. You could have enlightened me to some of  
2 the documents that -- especially this Exhibit -- is  
3 this No. 6? Is this No. 6? Because I can't read  
4 the writing.

5 THE WITNESS: Yes.

6 MS. THOMAS: This little piece of paper is the  
7 first time that I have seen this document. So when  
8 was this mailed to me?

9 THE WITNESS: It will be at the top, April 15th,  
10 2008.

11 MS. THOMAS: Well, I object, because I have  
12 never seen that piece of paper.

13 JUDGE HALOULOS: All right. Well, your  
14 objections are noted.

15 Respondent's Exhibits 1 through 7 and  
16 10 through 14 are entered into the record.

17 (Whereupon, Respondent's  
18 Exhibits 1 through 7 and 10  
19 through 14 were admitted  
20 into evidence.)

21 JUDGE HALOULOS: Okay. Ms. Thomas, do you have  
22 some questions for --

1 MS. THOMAS: Yes.

2 CROSS-EXAMINATION

3 BY

4 MS. THOMAS:

5 Q You said that I was disconnected for DNP,  
6 that's disconnection for nonpayment, correct?

7 A Correct.

8 Q Okay. If it's disconnected for nonpayment,  
9 that means you didn't receive any payments from me,  
10 period, that's DNP, that was your words, right?

11 A That's what we use. It doesn't mean that  
12 you made no payment at all. That means that you're  
13 past due and you did not bring your account current.

14 Q Okay. But disconnect for nonpayment in any  
15 utility language mean that you have not made any  
16 payments on your bills.

17 A To come current. You were sent a  
18 disconnection notice prior.

19 Q And you still have not answered. How much  
20 of this is deposit and how much of this is an actual  
21 bill?

22 A Well, if you look at the Exhibit 1 that was

1 sent to you, May 11, 2007, it shows you that you had  
2 a deposit on your account of \$331. At that time it  
3 was applied back to your account. You were also  
4 given interest for that deposit in the amount of  
5 \$8.23.

6                   So at this point, there is no deposit  
7 incurred on this account.

8       Q       Okay. You haven't answered my question.

9                   I have three account numbers. Each  
10 account number I've had, I've had a 300-plus  
11 deposit, 300-plus.

12       JUDGE HALOULOS: I think we established last  
13 time you don't have three accounts, you have two --  
14 you had two, do you remember that?

15       MS. THOMAS: Q Two accounts.

16       A       Whenever you're shut off, just like this  
17 bill, that deposit is applied to your balance.

18       Q       Okay. And let me ask you this question:  
19 You estimated this bill, correct?

20       JUDGE HALOULOS: Wait, let me -- just so I'm  
21 clear.

22                   So what you're saying is, she had

1 a -- that's what brought it down from \$1,476 to  
2 \$1,012, is because you took that deposit and you  
3 credited her.

4 THE WITNESS: Correct.

5 JUDGE HALOULOS: No more deposit.

6 THE WITNESS: Correct.

7 JUDGE HALOULOS: Okay. I just wanted to make  
8 sure I understood that.

9 MS. THOMAS: Q Okay. But even you took the  
10 deposit and credited me, where is the payments  
11 that's still coming in?

12 If you take that deposit and you  
13 credit it and then you're still receiving payments,  
14 this amount has still not dropped at all.

15 A It has dropped. It has dropped.

16 If you go to your transaction history  
17 panel, which is Exhibit 3, we show your payments.  
18 We've applied your payments and it's been deducted  
19 from your balance. So every time we received a  
20 payment, it was applied to your balance.

21 JUDGE HALOULOS: I think, remember last time  
22 when we discussed how you had a balance of \$1,042

1 and that's originally when got you shut off and then  
2 you continued to make payments and you continued to  
3 receive gas. What happened in the interim is that  
4 you made payments, which brought that 1,000 balance  
5 current. However, in the interim while you were  
6 getting that gas, but you weren't being billed for,  
7 then you start incurring new payments.

8 MS. THOMAS: How can you incur new payments for  
9 gas you are not getting from beginning.

10 JUDGE HALOULOS: So now you're saying you were  
11 cut off --

12 MS. THOMAS: I'm just asking a question.

13 JUDGE HALOULOS: Wait, I'm asking you.

14 You're saying you were cut off for  
15 that whole year then?

16 MS. THOMAS: For gas?

17 JUDGE HALOULOS: Yeah.

18 MS. THOMAS: No, I'm not saying I was cut off.  
19 I got gas. But I'm asking a question.

20 Q How can I incur payments for gas that I  
21 supposedly did not receive?

22 A We didn't bill you for gas usage during

1 that time. You were not billed until we were aware  
2 that there were laundry valves at your location and  
3 you were receiving gas. So then you were sent a  
4 bill.

5 Q You keep saying these laundry valves. And  
6 I still say, and I wish you would call the tech and  
7 let him explain, because there is no way that that  
8 little small pipe could feed a furnace or a meter in  
9 that house, that's impossible.

10 A Okay. We also showed you at the time we  
11 shut off your gas --

12 Q You didn't show me anything, sweetie.

13 A -- we went through the exhibits, May 11th,  
14 2007, when we shut off your gas we obtained a  
15 reading. We also showed you the readings after  
16 May 11th, 2007, remained the same. You sent us in  
17 dials of the meter, which is consistent with that.

18 Q And your Web site says different. It says  
19 your estimated annual therm use is 1653.02, and  
20 that's for 5680 account number.

21 MR. GOLDSTEIN: What's your question?

22 MS. THOMAS: Q So you're going by the therms



1 that I gave you --

2 A What you gave us wasn't therms, it was the  
3 dial --

4 Q The meter reading. Okay, but what is the  
5 therms, 1653.02. Flip that so I can understand what  
6 is this (indicating).

7 A I don't have that. If you can show that to  
8 me, then I --

9 Q This is off of your site.

10 A This is just giving you a calculation of  
11 what your estimated annual usage is. This has  
12 nothing to do with your meter reading. It just  
13 tells you annually this is how much you used.

14 Q Okay. I'm still trying to understand this,  
15 because I'm not understanding.

16 MR. GOLDSTEIN: All right. What's your next  
17 question, Ms. Thomas?

18 MS. THOMAS: I want her to explain to me.

19 MR. GOLDSTEIN: She just did, Ms. Thomas. If  
20 you have another question, Ms. Barragan will --

21 MS. THOMAS: Okay.

22 MR. GOLDSTEIN: -- be happy to answer it.

1 MS. THOMAS: Q I have paid you \$2,470 for 2007.  
2 You're asking for another 2,000, that would put me  
3 at \$5,000 almost for the year 2007, would you not  
4 agree?

5 A No.

6 Q Why would you not agree?

7 A Because you paid what was due through May  
8 2007, with the exception of about \$45. What you're  
9 being billed for is May 11, 2007, through April 8,  
10 2008 --

11 Q With an estimated usage. It is not actual.  
12 Your bill says "estimate," am I correct?

13 A Correct. That is correct.

14 Q So what is the actual?

15 A We can't give you an actual because you  
16 were getting gas from the 1st floor meter. We were  
17 reading your meter. There was no usage on that  
18 meter. The meter was locked off. So there is not a  
19 way that we can say this is exactly how much you  
20 used because that gas was being diverted from the  
21 1st floor meter.

22 Q So if it's not a way that you can exactly

1 say how much I was using, how you know that is  
2 exactly the amount you should be charging me?

3 A There is no way to know. The only thing we  
4 can do is look based on what you previously used,  
5 what you should have still been using. Had you had  
6 not been diverted from the 1st floor meter, we  
7 wouldn't have had this situation.

8 So this is the best way that we can  
9 bill you for it.

10 Q Okay. I got a question. When you all  
11 placed those meters outside, those same laundry  
12 valves are in the inside, correct?

13 A I don't know --

14 Q If you've been there 25 years --

15 MR. GOLDSTEIN: Well --

16 MS. THOMAS: Can I ask him this question?

17 MR. GOLDSTEIN: Which witness are you asking  
18 now?

19 MS. THOMAS: I'm asking the Judge. Can I ask  
20 him --

21 JUDGE HALOULOS: You can ask the question.  
22 We'll see if Counsel has an objection.

1       MR. GOLDSTEIN: You can ask Mr. Alicea the  
2 question.

3       MS. THOMAS: When they transferred those meters  
4 outside for those two floors and those same laundry  
5 valves was in that house, upon transferring those  
6 meters outside, wouldn't those valves have been an  
7 issue from the Day 1?

8       MR. ALICEA: They could have been closed and  
9 they could have been locked and someone could have  
10 broke the lock and turned them on. We don't know  
11 what people do.

12       MS. THOMAS: Okay. My next point. I've been  
13 there 35 years, 35, and that washer and that dryer  
14 has been down there 35 years. I've had 4 tenants.  
15 And the Gas Company has been in and out of that  
16 building and not once when you check hot water tank,  
17 when you check furnace, when you relight the stove,  
18 not once did those valves become an issue until  
19 recently.

20                   The building hasn't changed. The  
21 pipes hasn't changed. Those valves have still been  
22 there. And all of a sudden this has become an

1 issue. And the now the burden of proof is on the  
2 customer, who is the one that is suffering. So my  
3 position, I'm supposed to take what you all say and  
4 take it to be valid and I don't do that.

5 JUDGE HALOULOS: Any other questions?

6 MS. THOMAS: No, I'm finished.

7 JUDGE HALOULOS: Any redirect?

8 MR. GOLDSTEIN: I have no other questions.

9 JUDGE HALOULOS: Anything further from either  
10 party?

11 MR. GOLDSTEIN: I have nothing further, Judge.

12 JUDGE HALOULOS: Ms. Thomas?

13 MS. THOMAS: No, ma'am.

14 JUDGE HALOULOS: Okay. Mark the record heard  
15 and taken.

16 MR. GOLDSTEIN: Thank you.

17 HEARD AND TAKEN

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